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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff v. RYOBI TECHNOLOGIES, INC., a Delaware Corporation; TECHTRONIC INDUSTRIES NORTH AMERICA, INC., a Delaware Corporation; and DOES 1 – 100, Defendants.	Case No. 3:08-cv-00070 BTM CAB **DECLARATION OF MELODY A. KRAMER # 2 IN SUPPORT OF PLAINTIFF'S REPLY TO OPPOSITION TO MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE** Date: August 20, 2008 Time: 11:30 a.m. Courtroom: 15, Fifth Floor Judge: Hon. Barry T. Moskowitz ***Oral Argument Has Been Respectfully Requested by Plaintiff***

I, MELODY A. KRAMER, declare:

1. I am not a party to the present action. I am over the age of eighteen. I have personal knowledge of the facts contained within the following paragraphs, and could and would competently testify thereto if called as a witness in a court of law.

2. At all times relevant herein I have been an attorney for Sorensen Research and Development Trust ("SRDT"), Plaintiff in the above-captioned matter.

3. This Declaration is being submitted in conjunction with Plaintiff's Reply to Opposition to Motion for Exception to Stay for Preservation of Evidence.

4. *Ex parte* reexamination requests to the USPTO are a procedure whereby anyone, even anonymously, can assert that there are problems with a patent. Ninety-six percent of all such requests are accepted. However, only around 10% of such requests result in cancellation of all claims in a patent.

5. Defendant had several opportunities to provide the requested information informally before this motion was filed, or by stipulation after the motion was filed, but refused.

6. For three years, Plaintiff sought through repeated requests pursuant to 35 U.S.C. § 295, to obtain reliable information about the Accused Processes from Senco. None has ever been received.

7. The Chen document referenced in Ryobi's pleadings is inapplicable to this patent infringement case because it references different companies and different products.

8. If Defendant intended to include a clone Chen document to those in the related Emerson and Senco cases but listing Ryobi products, it would come no where close to admissible evidence in a U.S. court of law, and does not allow for Plaintiff to conduct any follow-up to test the veracity of its statements.

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SWORN TO under penalty of perjury of the laws of the State of California and the United States, this 13th day of August, 2008.

/s/ Melody A. Kramer

Melody A. Kramer, Esq.